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**CASE NO. CV04-HGD-0304-S**

After careful consideration of the record in this case, the magistrate judge's report and recommendation, the objections thereto, and the reply to the objections, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge and it is, therefore,

ORDERED, ADJUDGED and DECREED that the Motions to Dismiss filed by defendants Donald Ray Parks and Pamela Renee Parks are due to be and hereby are DENIED.

The clerk is directed to return this file to Magistrate Judge Davis for further proceedings.

DONE this 19th day of January, 2005.

  
United States District Judge